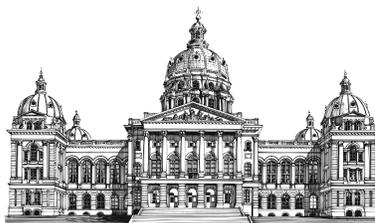


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Judicial Salaries

ISSUE

This *Issue Review* is a brief history of Judge's and Magistrate's salaries and benefits for informational purposes.

AFFECTED AGENCIES

Judicial Branch

CODE AUTHORITY

Chapter 602, Code of Iowa

BACKGROUND

Iowa has a court system consisting of the Supreme Court, the Court of Appeals and the District Courts. Judicial salaries are set by the General Assembly per Chapter 602.1501, Code of Iowa for the following:

- Supreme Court Justices and the Chief Justice
- Court of Appeals Judges and the Chief Judge
- District Court Judges and the Chief Judge
- District Associate Judges
- Magistrates

The Supreme Court consists of one Chief Justice and eight Justices. The Court has general appellate jurisdiction for criminal and civil cases, and exercises supervisory and administrative control over the court system pursuant to Article V, Constitution of Iowa.

The Court of Appeals consists of one Chief Judge and five Associate Judges. The Court hears cases referred by the Supreme Court.

Iowa has a unified trial court system, referred to as the District Courts. The State is divided into eight judicial districts, which handle all types of civil, criminal, juvenile, and probate cases. Each district consists of a Chief Judge. There are five types of judgeships within each District with differing levels of responsibilities. They are:

- Magistrates who issue search warrants and emergency hospitalization orders, hold preliminary hearings and preside at trials of small claims (\$4,000 or less), simple misdemeanors, and forcible

entry and detainer actions. Magistrates are not required to be lawyers as are the other judges. There are 134 full-time and part-time magistrates.

- District Associate Judges who have the same jurisdiction as magistrates in addition to hearing indictable misdemeanors, civil actions involving \$10,000 or less, Operating While Intoxicated felonies, and some juvenile cases. There are 54 District Associate Judges.
- Associate Juvenile Judges who handle only juvenile matters, including delinquency proceedings, children in need of assistance, abuse and neglect, and termination of parental rights proceedings. There are 12 Associate Juvenile Judges.
- District Judges who have general trial court jurisdiction (civil, criminal, domestic relations, and probate). There are 112 District Court Judges.
- Associate Probate Judges who handle probate issues. The State has only one Associate Probate Judge, located in Polk County.
- Senior Judges who can be assigned to temporary judicial duties on courts of this State. In order to be assigned to the Supreme Court, the Senior Judge must have been appointed to serve on the Supreme Court prior to retirement. In FY 1998 there were 8.00 FTE positions.

There are currently 112 District Court judgeships. The number of District Court judges is prescribed by a formula in Section 602.6201, Code of Iowa, but capped statutorily at 112 (Section 602.6201(10), Code of Iowa). The formula is based on population and the number of civil and criminal filings. If the formula were used exclusively, there would be 134 judgeships.

There are 54 District Associate judgeships. The number of judges is determined in two ways. First, Section 602.6301, Code of Iowa, provides a formula based on county population. Second, Section 602.6302 allows for the conversion of three judicial magistrate judgeships into one district associate judgeship. Of the 54 District Associate judgeships, 34 resulted from the formula, 19 resulted from conversions, and one was created by Chapter 207, Section 7(f), 1995 Iowa Acts.

CURRENT SITUATION

The 1998 General Assembly passed HF 2471 which would change the number of Supreme Court Justices and Court of Appeals judges beginning in FY 2000, if funds are appropriated to authorize funding of the changes. The Act reduced the Supreme Court from nine Justices to seven and increased the Court of Appeals from six judges to nine. The Supreme Court will reduce Justices through attrition beginning on or after July 1, 1999.

The 1998 General Assembly also passed HF 2496 (Retirement Act). This Act allowed associate probate judges and juvenile judges to change retirement systems by June 30, 1998, from IPERS to the Judicial Retirement System, a hybrid of both systems, or to remain in IPERS.

House File 2553 (Salary Act) as passed by the 1998 General Assembly, set the judicial salaries for FY 1999 as follows:

	<u>FY 1999 Salary</u>
Chief justice of the Supreme Court	\$ 110,700
Each justice of the Supreme Court	106,700
Chief judge of the Court of Appeals	106,600
Each associate judge of the Court of Appeals	102,600
Each chief judge of a Judicial District	101,700
Each district judge except the chief judge	97,600
Each district associate judge	85,000
Each judicial magistrate	23,100
Senior Judges	5,600

BUDGET IMPACT

Since FY 1990, judicial salaries have increased approximately 35.0% for all salaries set by the General Assembly with the exception of Magistrates and Senior Judges. Magistrate salaries have increased 46.2% since FY 1990 and Senior Judges' salaries have increased 12.0% since FY 1996.

Benefits for Judges add an additional \$6.2 million to the expenditures for judicial salaries. Of that amount, \$3.9 million is appropriated directly to the Judicial Retirement Fund for the State contribution rate of 23.7% of eligible judicial salaries. Magistrates have the option to participate in IPERS to which the State contribution rate is 5.75%, but cannot participate in the Judicial Retirement Fund.

The following is a table showing an average salary plus benefits by judge type, excluding Judicial Retirement contributions by the State.

	<u>Budgeted FY 1999</u>
Chief justice of the Supreme Court	\$ 121,081
Each justice of the Supreme Court	116,693
Chief judge of the Court of Appeals	116,910
Each associate judge of the Court of Appeals	112,014
Each chief judge of a Judicial District	111,718
Each district judge except the chief judge	107,411
Each district associate judge	94,466
Each judicial magistrate	27,057
Senior Judges	6,480

The Council of State Governments did a national compilation of judicial salaries across all states. For FY 1998, Iowa Supreme Court Justices ranked 26th in the nation and earned approximately \$1,400 less than the national average. Iowa's Court of Appeals Judges earned \$3,800 less than comparable courts national average and ranked 24th in the nation, and general trial court judges earned approximately \$50 more than the national average and ranked 22nd in the nation.

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